

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Title: Method and System for Dynamically Sending Email Notifications
with Attachments in Different Communication Languages

Appellants: Tejaswini Hosali et al.

Attorney Docket No.: YOR920010754US1

Serial No.: 10/092,319
Filed: 03/06/2002

Former Examiner: Stephan F. Willett
Art Unit: 2142

**RESUBMISSION OF APPEAL BRIEF AND SUMMARY OF TELEPHONE
CONFERENCE WITH SUPERVISORY PATENT EXAMINER**

Mail Stop Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

This Resubmission of Appeal Brief is submitted in response to the Notification of Non-Compliant Appeal Brief dated March 1, 2007.

In a telephone conference with Supervisory Patent Examiner Andrew Caldwell on March 22, 2007, Appellants' newly-appointed representative confirmed that this Resubmission of Appeal Brief should not address any comments in the Examiner's Answer dated November 3, 2006, and that a new Examiner's Answer would be forthcoming.

(1) Real Party in Interest

The real party in interest is International Business Machines Corporation.

(2) Related Appeals and Interferences

There are no related appeals or interferences known to Appellant, Appellants' representative, or the Assignee.

(3) Status of Claims

Claims 1-33 are pending, stand finally rejected, and are appealed. No claims are allowed.

(4) Status of Amendments

No amendments are outstanding. A final Office Action was mailed on October 18, 2005 and a Notice of Appeal was filed on January 18, 2006.

(5) Summary of Claimed Subject Matter

The present invention relates to a system and methods for the implementation of a dynamic email notification with attachments in different languages. *Reference is made to page 1, lines 10 - 13.*

5.1. Summary of the subject matter of independent claim 1

Claim 1 recites a method of sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language. The method is illustrated in the method 300 of FIG. 2 (method 400 of FIG. 3). *Reference is made to page 5, lines 3-9 and page 7, lines 9-23.* The attachment includes a document with a plurality of line items. *Reference is made to page 5, lines 3-9 and page 7, lines 27-29.*

Method 300 illustrates automatically parsing the line items of the document (e.g., sales order) to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address. *Reference is made to step 310 of FIG. 2, and further to page 8, lines 1 - 3.*

Method 400 automatically determines if the parsed variable data, including the destination address, require a dynamic task to be started. *Reference is made to step 410 of FIG. 3, and further to page 9, lines 24 - 27.*

Upon a determination that the dynamic task is required, method 400 selects a specific destination language for the electronic message and the attachment to be sent to the at least one destination address. *Reference is made to steps 413, 415 of FIG. 3, and further to page 10, lines 4 -5.*

At step 435 of FIG. 3, method 400 sends the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address. *Reference is made to page 10, line 31 - page 11, line 3.*

If at step 315 of method 300, it is determined that the dynamic task is not required, then transmitting the dynamic electronic message and the attachment in an origin source language, without translation. *Reference is further made to page 8, lines 12 - 13.*

5.2. Summary of the subject matter of independent claim 18

Claim 18 is directed to a computer program for sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language.

With reference to FIG. 1, and to page 5, lines 11-20, the specification explains that a client computer 14 includes a software or computer program product that typically provides connection to the Internet 15. In the illustrated example, the email author as represented by computer 14, accesses the Internet 15 remotely through an Internet Message Access Protocol (IMAP) 17, which is a method of sending or accessing email messages stored on a remote server. Servers 20, 21 and email servers 30, 31 provide communication access to the Internet 15 (page 5, lines 27-31).

The computer program product implements the method recited in claim 1. As shown in method 300 of FIG. 2 (method 400 of FIG. 3), a dynamic language-specific electronic message and corresponding attachment are sent to at least one destination address in

at least one destination language. *Reference is made to step 305 of FIG. 2. The attachment includes a document with a plurality of line items. Reference is made to page 5, lines 3-9 and page 7, lines 27-29.*

Method 300 illustrates automatically parsing the line items of the document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address. *Reference is made to step 310 of FIG. 2, and further to page 8, lines 1 - 3.*

Method 400 automatically determines if the parsed variable data, including the destination address, require a dynamic task to be started. *Reference is made to step 410 of FIG. 3, and further to page 9, lines 24 - 27.*

Upon a determination that the dynamic task is required, method 400 selects a specific destination language for the electronic message and the attachment to be sent to the at least one destination address. *Reference is made to steps 413, 415 of FIG. 3, and further to page 10, lines 4 - 5.*

At step 435 of FIG. 3, method 400 sends the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address. *Reference is made to page 10, line 31 - page 11, line 3.*

If at step 315 of method 300, it is determined that the dynamic task is not required, then transmitting the dynamic electronic message and the attachment in an origin source language, without translation. *Reference is further made to page 8, lines 12 - 13.*

(6) Grounds of Rejection to be Reviewed on Appeal

Claims 1-33 were rejected under 35 U.S.C. 102(e) as anticipated by Boucher et al., U.S. Patent No. 5,884,246 ("Boucher").

(7) Arguments

7.1. Legal Standard for Lack of Novelty (Anticipation)

The standard for lack of novelty, that is, for "anticipation," is one of strict identity. To anticipate a claim for a patent, a single prior source must contain all its essential elements, and the burden of proving such anticipation is on the party making such assertion of anticipation. The amount of newness and usefulness need only be minuscule to avoid a finding of lack of novelty. The following are two court opinions in support of Appellants' position of non-anticipation, with emphasis added for clarity:

- "Anticipation under Section 102 can be found only if a reference shows exactly what is claimed; where there are differences between the reference disclosures and the claim, a rejection must be based on obviousness under Section 103." *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 227 USPQ 773 (Fed. Cir. 1985).
- "Absence from a cited reference of any element of a claim of a patent negates anticipation of that claim by the reference." *Kloster Speedsteel AB v. Crucible Inc.*, 793 F.2d 1565, 230 USPQ 81 (Fed. Cir. 1986), on rehearing, 231 USPQ 160 (Fed. Cir. 1986).

Accordingly, all that the Appellants are required to prove, in order to satisfy the novelty requirement, is the existence of a novel feature in the claims.

7.2. Rejection of Claims 1-33 As Anticipated By Boucher

A. Claims 1-2, 5-13, 15-17, 18-19, 22-30, and 32-33

Boucher discloses a system and method for translating communications transmitted via a computer network from a first language to a second language (Abstract). The communication is conveyed to a central translation side where it is translated and then conveyed to the destination site. At the origination site, a translation address is concatenated onto the destination address so that the communication is delivered to the translation site before being delivered to the destination site. At the translation site, the communication is translated from the first language into at least the second language to

generate a translated communication. The address of the translation site is then removed from the destination address and the translated communication is conveyed by the computer network to arrive at the destination site (Abstract).

Boucher does not disclose a method of sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language in which the attachment includes a document with a plurality of line items. In particular, Boucher does not disclose (1) automatically parsing the line items of the document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address; (2) automatically determining if the parsed variable data, including the destination address, require a dynamic task to be started; (3) upon a determination that the dynamic task is required, selecting a specific destination language for the electronic message and the attachment to be sent to the at least one destination address; and (4) sending the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address.

Boucher discloses sending a message to a translation site, i.e., translation machine 136 as shown in FIG. 2E. The translation machine identifies the language of the message to be translated (col. 11, lines 44 and ff.). Boucher does not disclose automatically parsing the line items of an attached document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address.

The translation machine 136 also determines the language which the message is to be translated into. The sender may indicate the target language or the machine 136 may derive the language from a domain name (col. 11, line 60 – col. 12, line 12). Boucher does not disclose (1) automatically determining if the parsed variable data, including the destination address, require a dynamic task to be started; (2) upon a determination that the dynamic task is required, selecting a specific destination language for the electronic message and the attachment to be sent to the at least one destination address; and (4) sending the dynamic electronic message and the

attachment in the selected specific destination language to the at least one destination address.

Because Boucher does not disclose each and every element of the method and computer program of the invention, Claims 1 and 18 are not anticipated.

B. Claims 3 and 20

Boucher discloses that a message may pertain to general subject matter or to particular subject matter, such as legal messages, medical messages, or technical/engineering messages (col. 11, lines 52-55). The Examiner's citation of col. 9, line 42 and col. 12, lines 10-14 in the final Office Action is inapposite and merely disclose that the destination of a message may be a foreign country.

Boucher does not disclose verifying the specific destination language based on a destination country of shipment. Because Boucher does not disclose each and every element of the method or computer program of the invention, Claims 3 and 20 are not anticipated.

C. Claims 4 and 21

Boucher discloses that a message may pertain to general subject matter or to particular subject matter, such as legal messages, medical messages, or technical/engineering messages (col. 11, lines 52-55). The Examiner's citation of col. 9, line 42 and col. 12, lines 10-14 in the final Office Action merely disclose that the destination of a message may be a foreign country.

Boucher does not disclose verifying the specific destination language based on a destination country in which a software program will be installed. Because Boucher does not disclose each and every element of the method and computer program of the invention, Claims 4 and 21 are not anticipated.

D. Claims 14 and 31

In the sections referenced by the Examiner (col. 10, lines 46-49) in the final Office Action, Boucher discloses dispatching a carbon copy of a translated message back to the sender of the message.

Boucher does not disclose that parsing of a document is triggered by a receipt of any one or more of: a sale order, a request for information, an inquiry, and a quote. Because Boucher does not disclose each and every element of the method and computer program of the invention, Claims 14 and 31 are not anticipated.

8. CONCLUSION

All the claims on file are believed to be allowable, and the allowance of these claims is respectfully requested.

Respectfully submitted,

/Warren A. Zitlau/

Date: March 23, 2007

Cahn & Samuels, LLP
2000 P Street, NW – Suite 200
Washington, DC 20036
202-331-8777
202-331-3838

Warren A. Zitlau
Attorney for Appellants
Reg. No. 39,085

APPENDIX A
CLAIMS ON APPEAL

1. A method of sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language, comprising:

the attachment includes a document with a plurality of line items;

automatically parsing the line items of the document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address;

automatically determining if the parsed variable data, including the destination address, require a dynamic task to be started;

upon a determination that the dynamic task is required, selecting a specific destination language for the electronic message and the attachment to be sent to the at least one destination address;

sending the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address; and

if it is determined that the dynamic task is not required, then transmitting the dynamic electronic message and the attachment in an origin source language, without translation.

2. The method of claim 1, wherein the variable data of at least two line items include at least two destination addresses; and

wherein sending the electronic message and attachment includes sending the electronic message and attachment to the at least two different destination addresses in at least two different languages.

3. The method of claim 2, wherein selecting the specific destination language includes verifying the specific destination language based on a destination country of shipment.

4. The method of claim 2, wherein selecting the specific destination language includes verifying the specific destination language based on a destination country in which a software program will be installed.

5. The method of claim 2, wherein selecting the specific destination language includes verifying the specific destination language based on a communication language exchanged with the at least one destination address.

6. The method of claim 2, wherein selecting the specific destination language includes verifying the specific destination language based on a preferred language from the at least one destination address.

7. The method of claim 2, wherein selecting the specific destination language includes selecting a default language.

8. The method of claim 7, wherein selecting the specific destination language includes selecting a default language of a destination country.

9. The method of claim 7, wherein the default language is English.

10. The method of claim 2, wherein selecting the specific destination language includes communicating with a destination computer.

11. The method of claim 2, wherein sending the electronic message and the attachment includes selectively sending the electronic message and the attachment based on any one or more of: a product type, a requirement for service, a customer instruction, and registration information.

12. The method of claim 2, wherein the attachment includes a document.

13. The method of claim 2, wherein the attachment includes a document in a distributable format.

14. The method of claim 2, wherein parsing the document is triggered by a receipt of any one or more of: a sale order, a request for information, an inquiry, and a quote.

15. The method of claim 2, wherein selecting the specific destination language includes querying the document for the specific destination language.

16. The method of claim 2, wherein the electronic message includes an email.

17. The method of claim 16, wherein the at least one destination address includes an Internet address.

18. A computer program having a plurality of executable instructions that are stored on a computer readable medium, for sending a dynamic language-specific electronic message and corresponding attachment to at least one destination address in at least one destination language, comprising:

- the attachment includes a document with a plurality of line items;

- a first set of program instructions for automatically parsing the line items of the document to retrieve variable data related to the at least one destination language, wherein the variable data include the destination address;

- wherein the first set of program instructions automatically determines if the parsed variable data, including the destination address, require a dynamic task to be started;

- upon a determination that the dynamic task is required, a second set of program instructions selects a specific destination language for the electronic message and the attachment to be sent to the at least one destination address, as a function of the parsed variable data; and

- a third set of program instructions for sending the dynamic electronic message and the attachment in the selected specific destination language to the at least one destination address, and

- if it is determined that the dynamic task is not required, then the third set of program instructions transmits the dynamic electronic message and the attachment in an origin source language, without translation.

19. The computer program of claim 18, wherein the variable data of at least two line items include at least two destination addresses; and

wherein the third set of program instructions cause the electronic message and attachment to be sent to the at least two different destination addresses in at least two different languages.

20. The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language based on a destination country of shipment.

21. The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language based on a destination country in which a software program will be installed.

22. The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language based on a communication language exchanged with the at least one destination address.

23. The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language based on a preferred language from the at least one destination address.

24. The computer program of claim 19, wherein the second set of program instructions verifies the specific destination language by selecting a default language.

25. The computer program of claim 24, wherein the second set of program instructions verifies the specific destination language by selecting a default language of a destination country.

26. The computer program of claim 24, wherein the default language is English.

27. The computer program of claim 19, wherein the third set of program instructions sends the electronic message and the attachment based on any one or more of: a product type, a requirement for service, a customer instruction, and registration information.

28. The computer program of claim 19, wherein the attachment includes a document.

29. The computer program of claim 19, wherein the attachment includes a document in a distributable format.

30. The computer program of claim 19, wherein the first set of program instructions parse the document based on a triggering event.

31. The computer program of claim 30, wherein the triggering event is any one or more of: a sale order, a request for information, an inquiry, and a quote.

32. The computer program of claim 19, wherein the electronic message includes an email.

33. The computer program of claim 32, wherein the at least one destination address includes an Internet address.

APPENDIX B

EVIDENCE

None

APPENDIX C

RELATED PROCEEDINGS

None